

COMMUNITY BOARD 7/MANHATTAN
JUNE 2023 PROPOSED RESOLUTIONS

Land Use Committee, Richard Asche and Kevin Corte, Co-Chairpersons

1. Re: Proposed Zoning Resolution Text Amendments. Designed to Ease Compliance with Local Law 97 (Administrative Code 28-320-321).

Background

Local Law 97, enacted in 2019, imposes increasingly strict limits on the discharge of greenhouse gases, with a goal of 40% reduction by 2030 and 80% reduction by 2050. The law applies to most existing or new buildings exceeding 25,000 square feet in floor area. (Rent regulated, city owned and housing authority buildings are subject to lesser restrictions relating to energy efficiency).

The current Zoning Resolution contains numerous provisions which act as impediments to building owners' compliance with Local Law 97, and the Department of City Planning, at the request of the Mayor, has proposed numerous amendments which remove burdens to compliance and which seek to reduce carbon emissions by providing for accommodation for electric vehicles, centralized carbon storage, and reduction in energy use. The proposed amendments are a part of the Mayor's City of Yes Program. (City of Yes also addresses economic and housing opportunities, but the current proposed amendments relate only to achieving carbon neutrality).

None of the proposed amendments are permissive, not mandatory, and intended to ease compliance by building owners with Local Law 97.

The proposed amendments do not change the current law providing for Landmark Commission review of landmark buildings or buildings in historic districts, which will still be subject to the test of appropriateness.

The proposed amendments would:

1. Expand rooftop solar coverage: at present, buildings are limited to 25% of roof-tops (with a 10-foot setback from the building line) for installation of solar panels. The proposed amendment would allow 100% coverage, up to 15 feet in height, except on required setbacks;
2. Allow construction of solar canopies over outdoor parking lots;
3. Allow the use of renewable energy in all zoning districts;
4. Allow battery-based energy storage units in all districts, using technology pre-approved by FDNY. In residential districts a special permit would be required, subject to approval by DOB and FDNY. In residential districts, facilities up to 10,000 square feet would be permitted as of right, and in excess of 10,000 square feet would require BSA approval.
5. Create simplified procedure and height limit flexibility to expedite onshore wind installations;
6. Exempt from zoning floor area, up to eight inches of exterior insulation necessary to bring buildings up to code;
7. Allow roof top installation of electric heat pumps, as a replacement for boilers, as a permitted obstruction. In R6-10 districts, for buildings lower than 120 feet maximum coverage would be 30% of roof area, up to 15' in height. In R-6-10 districts, for buildings taller than 120, coverage would be up to a maximum of 50%, with a maximum height of 55'.
8. Decarbonize vehicles to achieve zero vehicle carbon emissions by 2035:
 - a. Allow off-street charging stations as of right in commercial and manufacturing districts, and limited charging stations in residential districts;
 - b. Allow 20% of garage parking spaces to be shared with the public, either for vehicle charging or car-sharing
 - c. Streamline car sharing and car rental rules;
 - d. Update parking rules, and allow for bicycle parking;
9. Decarbonize waste disposal by:
 - a. reducing volume of stormwater and organic waste;
 - b. allowing porous paving of sidewalks;
 - c. Allowing high performance tree beds (rain gardens);
 - d. Clarifying and simplifying process of applying for rooftop gardens.
10. Allow small scale composting facilities in residential districts, and larger composting facilities in manufacturing districts.
11. Allow a 5% FAR bonus for buildings which exceed certain thresholds for heat retention by 20% for opaque exterior surfaces, and 10% for all exterior surfaces.

Based upon the foregoing, it is

RESOLVED THAT Community Board 7/ Manhattan, **approves** the amendments to the Zoning Resolution proposed as part of the City of Yes program relating to the City's goal of decarbonization.

Committee : 8-0-0-0. Non-Committee Board Members: 3-0-0-0.

Business & Consumer Issues Committee, Josh Cohen and Benjamin Wu, Co-Chairpersons

New Application & Temporary Retail Permit application

2. Re: 975 Amsterdam Avenue (West 59th Street).

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new and Temporary Retail Permit application to the SLA for a two-year liquor license by 975 Amsterdam, Inc. d/b/a Spice.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

3. Re: 113 West 60th Street (Columbus Avenue).

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new and Temporary Retail Permit application to the SLA for a two-year liquor license by Aramark Educational Services, LLC. d/b/a TBD.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

4. Re: 1 Heckscher Fields, Central Park (65th Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new and Temporary Retail Permit application to the SLA for a two-year liquor license by TMK Central Park Kiosk, LLC d/b/a The Migrant Kitchen.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

5. Re: 433 Amsterdam Avenue (West 81st Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new Application & Temporary Retail Permit application to the SLA for a two-year liquor license by B. Byruch on behalf of an entity to be determined d/b/a Pig & Khao.

Committee: 5-0-0-0. Non-Committee Board Member: 2-0-0-0.

6. Re: 480 Amsterdam Avenue (West 83rd Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new Application & Temporary Retail Permit application to the SLA for a two-year liquor license by 232 W 14th St Restaurant, Corp. d/b/a To Be Determined.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

Class Change

7. Re: 410 Amsterdam Avenue (West 79th – 80th Streets.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** class Change Application to the SLA for a two-year liquor license by Public Market, Inc. & Sushi Nonaka, Inc. d/b/a oka & Sushi Nonaka. Upgrade to a full liquor license from a beer and wine license.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

Alteration

8. Re: 476 Amsterdam Avenue (West 83rd Street.)

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** alteration Application to the SLA for a two-year liquor license by 476 Amsterdam, LLC d/b/a Fred's. A high-end cocktail lounge will be added to Fred's as a component of the alteration.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

9. Re: 517 Amsterdam Avenue (West 85th Street).

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** alteration Application to the SLA for a two-year liquor license by Tiki Chicki, LLC d/b/a Tiki Chick. The ground floor layout will be reconfigured as a component of the alteration.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.

10. Re: DOT Open Streets Programming.

The following facts and concerns were considered in arriving at our conclusion:

- In 2020, DOT initiated Open Streets as a temporary program in response to the COVID-19 pandemic to provide safe socially distanced outdoor space for recreation, dining, and other activities.
- Over the next two years, Open Streets evolved from a pandemic management tool to a public space management tool that prioritizes pedestrians and cyclists. Within the CB7 district such programming was reviewed and discussed at BCI committee meetings, but never involved a formal resolution based on community input.
- In April 2023, as the pandemic was declared officially over, DOT proposed amendments to Traffic Rules for Open Streets, including addition of Section 4-21 concerning notification to the public, community organizations, affected City Council member, Community Board, and Borough President. and accessibility and public conduct requirements for the operation and management of open streets.
- On April 26, 2023, the public comment period for the proposed DOT amendments closed with 165 comments submitted, the majority critical of Open Streets. The comments can be reviewed at <https://rules.cityofnewyork.us/rule/open-streets-program>.
- The full text of DOT's proposed changes can be viewed at <https://rules.cityofnewyork.us/wp-content/uploads/2023/03/DOT-Proposed-Permanent-Open-Streets-Program-Rules-Certifications-Updated.pdf>
- Open Streets is the only program to occur within the CB7 district that does not require community input and a resolution from CB7; DOT is not changing this. The proposed language will only require a 30-day notification period without requiring input from the community.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **requests** that DOT require community input and resulting community board review prior to the implementation of an Open Streets program.

BE IT FURTHER RESOLVED THAT Community Board 7/ Manhattan **opposes** any Open Streets programming in our district without prior community input and board review via a formal resolution.

Committee: 6-0-0-0. Non-Committee Board Member: 2-0-0-0.